

NWp
971.24
S952

SUMAS DYKING ACT.

A FEW FACTS IN CONNECTION

WITH THE ABOVE ACT,

BY THE SETTLERS AND OWNERS OF LAND

IN MATSQUI PRAIRIE.

PRINTED

BY THE PUPILS

of

ST. MARY'S MISSION SCHOOL.

1882.



SUMAS DYKING ACT.

A FEW FACTS IN CONNECTION
WITH THE ABOVE ACT,
BY THE SETTLERS AND OWNERS OF LAND
IN MATSQUI PRAIRIE.

PRINTED
BY THE PUPILS
of
ST. MARY'S MISSION SCHOOL.
1882.

a
t
e
a
t
l
a
t

SUMAS DYKING ACT.

From all that has been said and written with regard to the Matsqui dyke constructed or supposed to be constructed under the above act, it is somewhat singular, although not to be wondered at, that all turns out a one side version of the case, wherein there has been manifestly two.

We, the settlers on the Matsqui prairie, have from time to time endeavoured to shed a ray of light in on both sides of the question, in order that the public might get a glimpse at the true state of the case, yet we could not succeed as the several Editors of the provincial papers refused to aid us by giving publicity to our sentiments on the dyking project.

Towards the close of the year 1877, the settlers on the Matsqui prairie desirous of reclaiming their land and in order to guard against the periodical overflow of the river, entered into an agreement with E. L. Derby to erect a good, substantial dyke of sufficient extent so that all the lands on the Matsqui prairie could be reclaimed, the settlers on their part agreeing to pay the said E. L. Derby for construction of said dyke. According to the articles of agreement, the dyke was to be completed by the first day of June 1878, and at said date should the

dyke prove a failure, they were to pay only half the amount; if a success, they were to pay the whole amount. How were they to determine the amount they had to pay? The dyke resisting the periodical overflow of the Frazer River was to be the criterion.

At this stage of the proceedings, E. L. Derby went to Victoria and then laid before the Legislative Assembly the Matsqui settlers' project for dyking of their land; and on the 10th of April 1878 the Legislative Assembly passed a special bill granting E. L. Derby certain Crown lands, as well as a right to levy assessments (same as agreed to in settlers' contract) and *without our knowledge or consent* gave an extension of time for completion of dyke from July 1878 to July 1880.

The work under the Government contract began towards the end of the Spring 1878, but with such a small force that it was not progressing at that rate that would warrant its completion before the high water of 1879, and so far as they had progressed, the work was not carried out according to specifications, as may be seen by official reports of Mr. Navarre, the Superintendent in charge.

Now we, the settlers, being the parties most deeply interested in this dyking project, should at least have a voice in a matter that so immediately concerns us, and in which our whole capital and labor has been invested.

Living as we are on the land, we should have the best opportunity of knowing whether the dyke under consideration be a failure, or a success; and moreover in justice to ourselves we possess the right of rejecting or accepting it according to its merits; but as the affair now stands, we are deprived of this right, and our sentiments and opinions on the subject totally ignored, whilst we are forced to accept a work as a success, while in point of fact it has been proved a complete failure from its very foundation.

In proof of the above, we give the following extracts from official reports of Mr. J. A. Navarre, superintendent in charge, and of Mr. W. S. Gore, Surveyor-General.

Supt. says: "With regard to the bulkhead work above mentioned, I have to inform you that it is in no respect in conformity with your instructions or my directions, and is all but entirely worthless for accomplishing the objects for which it is intended. Many piles are insufficiently driven. The sheeting is set in a shallow trench without driving, and often is in two lengths of five or six feet each. Some of the lumber is partly rotten and otherwise defective. By pushing with my hands against some of the piles not supported with girts I nearly toppled them over. In some instances there is but one girt where there should be two."

Further on he continues (speaking of the break in the dam) : “ The disaster was fully anticipated by reason of the defective construction and lax attention to minor cares, which in the grand sum are of the utmost importance in works of this kind. There is no excuse for this, except negligence and wilful ignorance on the part of the contractor. ”

The Surveyor-General was sent by the government in June 1879, for the purpose of inspecting the work done on the Matsqui Dyke. In his official report, dated 17th June 1879, we find the following remarks :

“ The line of levee as located by Mr. Mahood has been materially changed, to the detriment of the dyke in future years, from the western boundary of Lot 118, G. 2, to within about half a mile of the ‘ Mission ’ barn, being placed from 50 to 100 feet nearer the river bank. In front of ‘ Riverside ’ the line is now on the extreme edge of the river bank, and in places, I might say, over the edge.— From the yearly inroads the river is making on its banks, I should say that such work could not last.

“ The berm, which should be 4 feet, is in many places less than 3 feet. The slope of the ditch should be one and a half to one, but I find it nearly vertical, and in some places the current of the incoming high water

in the ditch has undermined the berm, endangering the safety of the levee. In many places the ditches have been made too deep, going down into sand and bad material for the construction of the levee, contrary to the specifications.

"The flood gates are not constructed in accordance with the general plans, drawing No. 2, as specified, and are not self-acting. The high water prevented me from making a thorough examination of them, so that I am unable to report as to their practicability. I am informed by Mr. Navarre that the bottom of the flood-gates in Slough No. 3 are 11 feet from bottom of slough, or about 8 feet above low water mark. This would, of course, interfere with canoe navigation.

"The sheet piling is not spiked closely to the caps and girts, but is wedged out to present an even surface for the battens to be spiked on, and has a slovenly and unworkmanlike appearance. The same remarks apply to sheeting in bulkheads. Some of the sheeting is not of as good quality as might be desired, being unevenly sawed and having bad knots, through which I could see water bubbling. ——— I would recommend that Mr. Derby should be obliged to build the levee at least seventy (70) feet further from the river bank in the vicinity of 'River-side' than he at present contemplates."

After these statements, coming from such a source, was it not the duty of the Government to force the contractor to stand by the specifications, and to prevent him from building the dyke in such a careless manner as would endanger its safety? Everybody should think so, but the fact is that the remarks made by Mr. Gore were not attended to. No alteration was made in the location of the line of levee, as changed by the contractor; in many places the dyke is actually built with sand and bad material; the berm is less than 3 feet, and is gradually undermined by the combined action of frost, thaw and water, in such a way that we may expect the embankment to tumble down into the ditch.

But let us resume the exposition of the facts. As early as the 24th of May 1879, the first break occurred in Slough No. 3, when piles and sheeting were swept away. The contractor, seeing this dam giving way, and fearing for the safety of the other in Slough No. 2, which at the time showed evident signs of weakness, partly removed the sheeting to save it; but it would have been better to have left it as it was in order to test its efficacy.

The result was that the Matsqui prairie was again under water in the summer of 1879, which caused a great amount of loss and damages to the settlers.

In the spring of 1880, the two dams above mentioned

were put in repair to stand the high water pressure of that year; but as soon as the water began to rise, it was found breaking through under the dam from the fact of the sheeting having been driven on to a log in the bottom of the slough. Every stratagem was resorted to in order to stop the flow of water, but all to no purpose.

In July, same year, a break occurred in some bulk-heading at the upper part of the dyke; and about same time, one of the settlers discovered what he considered a weak spot in the dam No. 2, drawing to it the Engineer's attention, who, after examining it, said there was not the slightest danger of it giving way, as it was about the strongest part of the whole dyke. And *two days after the Engineer reporting it as the strongest part of the dyke, the very place indicated was washed away.*

Consequently, the Matsqui prairie was again overflowed in the summer of 1880, with the same disastrous effects as before.

The time for completion of the dyke having now elapsed, and observing the defective manner the work had been carried on, the settlers gave the contractor E.L. Derby to understand that they would withdraw their support from an undertaking so carelessly carried on and evidently so badly managed. They also notified the Government to the same effect by a petition signed by

all the settlers. The petitioners were rewarded with glowing promises which had no practical or beneficial result. In the meantime, the work was left at a standstill.

The Legislative Assembly met in Victoria in the spring of 1881, and during its sitting, arranged all matters with the new contractors C. B. Sword and Co. to suit them, without consulting the settlers in a case in which they were so deeply concerned and involved, thus ignoring our right of voice in an affair in which we were the most interested. The first intimation of a settlement being made was conveyed to us by the newspapers.

Immediately, we forwarded a protest to the Government, declaring that we had no confidence whatever in the Engineer at that time in charge of the work, and finally declining to have anything further to do in the matter, or hold ourselves responsible for work done under the direction of an Engineer, whose incapacity for conducting the work according to specifications or terms of agreement had been so woefully established from the time of his undertaking it.

The Government took no heed of our protest, and the work was resumed under the same Engineer's superintendence.

In the month of October 1881, the newspapers stated that the dyke was completed and a perfect success; but how could they ascertain such to be the case, when there had been no high water to prove or test it?

Now comes that question, is the dyke a success or is it likely to be? We would like very much to answer in the affirmative, but we must certainly declare we have no confidence whatever in it. From the careless manner in which it has been constructed, we were almost certain that it would give way. We had not long to wait to see the evil effect of bad management. Scarcely had the Engineer quitted the scene of his labours on the dam he had just completed in last October on Slough No. 2 and pronounced a success, that it was partly washed away not by high water on this occasion, but on account of evident carelessness in construction.

The gate sill in this dam was about five feet above low water, without even an apron to carry the water from the front; very little rain causes a great rush through the gates, and the water having a fall of between four and five feet at the bottom of the gate, washed out the piles that supported the embankment, causing it to cave into the slough, and thus to be washed away. The mode adopted in constructing the gates had not only the effect of washing away the piles, but also caused

considerable inconvenience by cutting off the only communication the settlers living back on the prairie, had of reaching the river with their produce. Now it did not require a great amount of engineering tact to avert this evil, had the necessary precautions been taken. It could have been prevented in two ways, either by removing the obstruction in the shape of a dam, or by constructing it in accordance with the original specifications, which call for the gates to be put down to low water mark. The attention of both contractor and Engineer had been called to the fact, but in vain.

Now we have just reasons to believe that the dyke has been pronounced a success in consequence of Mr. J. Hunter's report; but how can we rely on the report of an Engineer who gave us so evident proofs of his incapacity in that kind of work; who declared as the strongest part of the dyke a place which, a short time after, was washed away under a very little amount of pressure; who pronounced finally that the dyke was a success, when, scarcely was it said to be completed, one of the dams was partly washed away, owing to bad construction of the flood gate, and that in winter time, when no danger might be apprehended. Moreover, how can we believe a new dyke to be a success, when it has not been proved or tested at least once by high water?

We do not mean to refuse to pay for the dyke when it will be declared to be a good and substantial work by competent persons, and when it will have been tested by high water. But is it just to, force upon us the acceptance of a dyke after the report of an Engineer whose inability or partiality can be proved, and before such a work has had any chance of being tested by high water?

Since there is disagreement between the different parties interested, respecting the efficiency of the dyke, what we ask for is to have the matter decided by arbitration, in the manner described in the clause 4th of 'Sumas Dyking Act.' Let the contractor appoint an arbitrator, the owners of the land another, and such arbitrators appoint a third one, and should the decision of the arbitrators be unsatisfactory to any of the two parties, it would be subject to be set aside on application to the Supreme Court of British Columbia.

We sincerely hope that the Legislative Assembly will not refuse us a request so just and so moderate. Our sanguine opinion is that the Matsqui prairie may be reclaimed, and we are very anxious to have our lands *well and effectually* reclaimed, as the Dyking Act requires it. We feel confident that, should the remarks made by Mr. Navarre and Mr. Gore have been attended to, the Matsqui dyke would have proved to be satisfactory to all

persons interested in the success of a work of such
undoubted utility for the future of this Province.

A.M. CARION.

E.M. HORRIS.

F.M. JAYOL.

Albert HAWKINS.

M. NICHOLSON.

Ch. McDONOUGH.

Arthur SMITH.

* Time and difficulty of mail communication did
not permit us to wait for the signatures of the other
land-owners.

Matsqui, February 1882.

hr.

lid
er